

DOCKET NO: 238275US0

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
ODILE AUBRUN-SONNEVILLE, ET AL. : EXAMINER: KAROL, JODY LYNN  
SERIAL NO: 10/813,098 :  
FILED: MARCH 31, 2004 : GROUP ART UNIT: 1609  
FOR: COMPOSITION SUITABLE FOR :  
TOPICAL APPLICATION INCLUDING A  
WAX AND AN AMPHIPHILIC POLYMER  
(AS AMENDED)

DECLARATION UNDER 37 C.F.R. §1.132

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

I, Florence L'Alloret, hereby declare:

1. I am a named inventor in the above-captioned patent application.
2. In 1992, I received an engineer degree from Ecole Supérieure de Physique et Chimie Industrielles de Paris, in the field of Chemistry. In 1996, I received a PhD degree from Pierre et Marie Curie University in Paris. My studies were directed to the subject of polymers physico-chemistry.
3. I have been employed by L'Oreal, the assignee of the above-captioned patent application, from 1998 to the present.
4. From 2000 to the present, I worked as a research engineer for L'Oreal in the area of emulsions physico chemistry.
5. From 2000 to the present, I have been a research engineer of the Skin Care Applied Research Department at L'Oreal. My duties as the a research engineer of the Skin

Care Appied Research Department include responsibility for activities relating to new types of emulsions.

6. I am familiar with the above-captioned patent application and have worked with the products and methods described in the above-captioned patent application.

7. I am familiar with EP 1 069 142 to Morschhauser et al. ("Morschhauser"), which I have been informed has been cited as prior art against the claims of the above-captioned patent application. I am also familiar with and have worked with the products and methods, such as described in Morschhauser.

8. I and/or those under my supervision conducted experimentation as follows:

a) A composition was prepared for comparison with the composition of Example 5 of the above-captioned patent application. The components of the compositions are shown in the TABLE below.

TABLE

Composition	Example 5	Comparative Example
<b><i>Oily Phase</i></b>	--	--
Beeswax	2	2
Parleam oil	13	13
<b><i>Aqueous Phase</i></b>	--	--
Preservative	1	1
Triethanolamine at 10% in water	0.06	0.06
Copolymer of AMPS and of Genapol LA-070 methacrylate (8.5 mol%)	1	0
Copolymer of AMPS and C <sub>12</sub> -C <sub>15</sub> alcohol methacrylate with 25 ethylene oxide groups (10.6 mol%)	0	1
Water	qs 100 %	qs 100 %
<b><i>Result</i></b>	--	--
Stability result	Stable, even after storage at 45°C	Unstable, with phase separation and formation

		of oily film on surface
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b) The composition was prepared by dissolving the amphiphilic AMPS copolymer in the aqueous phase by stirring for 2 hours at a temperature of 25° C to obtain a macroscopically homogeneous solution.

c) The oily phase was preheated to 70° C and slowly added to the aqueous phase while stirring with a Moritz homogenizer at a stirring speed of 2000 rpm for 15 minutes to obtain an emulsion.

d) As indicated in the TABLE, the emulsion of the comparative example was observed to be unstable. Phase separation occurred and an oily film formed on the surface of the composition.

9. As is evident by comparing the composition of Example 5 of the above-captioned patent application with the composition of the Comparative Example prepared as described herein, in compositions that are otherwise identical, employing an AMPS copolymer having fewer than 25 oxyethylene groups provides improved stability. That is, employing an AMPS copolymer having fewer than 25 oxyethylene groups, as recited in claim 1 of the above-captioned patent application, provides an unexpected, superior effect in comparison with known compositions, such as disclosed in Morschhauser.

10. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true; these statements were made with the knowledge that willful false statements are punishable by fine and/or imprisonment under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Application No. 10/813,098  
Declaration Under 37 C.F.R. §1.132

Date: 22.02.2008

Florence L'Alloret  
Florence L'ALLORET